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REMARKS**BEST AVAILABLE COPY**1. Present Status of Patent Application

This is a full and timely response to the non-final Office Action mailed October 20, 2005. Reconsideration and allowance of the application and presently pending claims 1-16 and 18-36, as presented, are respectfully requested.

2. Response to Rejection of Claims Under 35 U.S.C. §112, First Paragraph

Claims 1-16 and 18-36 have been rejected under 35 U.S.C. §112, First Paragraph, as allegedly containing subject matter that is not adequately described in the specification in such a way as to reasonably convey possession of the claimed subject matter. In particular, the Office Action states that the claim language "said image data being continuously made available" is not supported in the specification. Applicants respectfully traverse this rejection.

For example, in one portion, among others, of the specification, it states: "Furthermore, once the imaging data has been serviced once, it is saved in the personal imaging repository, and can be freely utilized by any other available web services." Page 11, lines 20-22. Therefore, in this example, the imaging data is utilized freely by web services such that the imaging data is continuously available to such web services, as recited in the claims. As another example, among others, the specification states that "once the imaging data is stored in the personal imaging data, it can be used by any other web services . . . at a later time." Page 16, lines 23-24. This provides further support for the current claim language.

Accordingly, Applicants respectfully submit that the rejection should be withdrawn, since the current claim language has adequate support in the specification and therefore complies with 35 U.S.C. §112, First Paragraph.

3. Response to Rejection of Claims Under 35 U.S.C. §102(e)

In the Office Action, claims 1-7, 9-25, 27, 32, 35, and 36 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by *Anderson* (U.S. Patent No. 6,499,016). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

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a. Claim 1

As provided in independent claim 1, Applicants claim:

A system for servicing imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:

a computing device for requesting service with the requested web service;

a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service, wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services;

user information for allowing access to said personal imaging repository; and

a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile, *wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services.*

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Anderson* does not disclose, teach, or suggest at least the features "wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services," as recited and emphasized above in claim 1.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to any other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "wherein said imaging data is maintained in said personal imaging repository once said imaging data

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is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services," as recited in the claim. Thus, the rejection should be withdrawn.

b. Claims 2-7 and 9-18

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-7 and 9-18 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-7 and 9-18 contain all the features and elements of independent claim 1. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2-7 and 9-18, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. For at least these reasons, the rejections of claims 2-7 and 9-18 should be withdrawn.

c. Claim 19

As provided in independent claim 19, Applicants claim:

A method for requesting service for imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository having an image data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data serviced as a single unit, through a computing device having a browser operatively connected to a requested web service, said method comprising the steps of:

requesting service from the requested web service by the computing device;

sending user information to the requested web service enabling the web service to access the user's personal imaging repository;

accessing the personal imaging repository using the user information by the requested web service; and,

servicing the selected imaging data by the requested web service responsive to user selection from the computing device, *wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services.*

(Emphasis added).

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Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Anderson* does not disclose, teach, or suggest at least the features "wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services," as recited and emphasized above in claim 19.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 53-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to any other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services," as recited in the claim. Thus, the rejection should be withdrawn.

d. Claims 20-25, 27, 32, and 35

Because independent claim 19 is allowable over the cited art of record, dependent claims 20-25, 27, 32, and 35 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 20-25, 27, 32 and 35 contain all the features and steps of independent claim 19. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 20-25, 27, 32, and 35, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. For at least these reasons, the rejections of claims 20-25, 27, 32, and 35 should be withdrawn.

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e. Claim 36

As provided in independent claim 36, Applicants claim:

A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed cause a computer to:

request service involving imaging data comprising digital data capable of being represented as two dimensional graphics from the requested web service by the computing device;

send user information to the requested web service enabling the web service to access a personal imaging repository associated with the sent user information, the repository containing the imaging data;

access the personal imaging repository using the user information by the requested web service; and,

service the selected imaging data by the requested web service responsive to user selection from the computing device, *wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services.*

(Emphasis added).

Applicants respectfully submit that independent claim 36 is allowable for at least the reason that *Anderson* does not disclose, teach, or suggest at least the features "wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services," as recited and emphasized above in claim 36.

As previously mentioned, *Anderson* teaches that the image data is made available to a hosted web server 16 and fails to teach or suggest that the image data is made available to any other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being continuously made available from said personal imaging repository to other web services," as recited in the claim. Thus, the rejection should be withdrawn.

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4. Response to Rejection of Claims Under 35 U.S.C. §103(a)

Claims 8, 26, 30, and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *Bandaru* (U.S. Patent No. 6,535,228), and claims 28, 29, 33, and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *Morris* (U.S. Patent No. 6,353,848).

Applicants respectfully submit that all of the claimed features of independent claims 1, 19, and 36 are not taught and suggested by *Anderson*, as previously discussed. Further, the cited art of *Bandaru* and *Morris* fails to cure the deficiencies of the *Anderson* reference in suggesting or teaching all of the claimed features in independent claims 1 and 19 and dependent claims 8, 26, 28-31, and 33-34 (which depend from respective independent claims 1 and 19). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* with the cited art has not been made. Therefore, the rejections of claims 8, 26, 28-31, and 33-34 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 8, 26, 28-31, and 33-34, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record.

For example, regarding claim 8, *Bandaru* teaches that a digital media frame (DMF) device receives image data that is converted by the device in a format that is used by the digital media frame. See col. 8, lines 31-42. However, the teachings fail to teach or suggest the characteristics of a personal imaging repository, as provided in the claim. For example, *Bandaru* fails to suggest that the digital media frame is an exchange infrastructure between imaging data and available web services. Rather, the digital media frame appears to be a terminal device for receiving and displaying digital images. This is at one distinction, among others, between the claimed subject matter and the cited art.

Further, with regard to claim 26, *Bandaru* teaches that the conversion process is done as part of a receiving step so that the image data may be displayed on the digital media frame. See steps 604-614 of FIG. 6. In contrast, claim 26 states that a conversion process is done as part of a sending step. This is another distinction, among others, between claimed subject matter and the cited art.

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With regard to claim 28, *Morris* teaches that an Internet address is inserted into a data request that is sent to a Web server 161, where the Web server 161 associates the request with an executable program 700 that forwards commands and data between a client and a camera 300. *See* col. 13, lines 30-52. As such, *Morris* fails to teach or suggest obtaining a link reference of the transferred imaging data stored in the personal imaging data store, as described in the claim. This is another distinction, among others, between claimed subject matter and the cited art.


For at least these reasons, the rejections should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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